

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

APIES – Certain complaints against Sri K. Mallesham, the then Principal, Government Junior College, Jammikunta, Karimnagar District now working as Principal at Government Junior College (Boys), Manthani, Karimnagar District - Punishment awarded by the DIE under Rule 9(vii) of APCS (CCA) rules, 1991 - Appeal upheld and set a side the orders of the Commissioner of Intermediate Education - Orders – Issued.

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HIGHER EDUCATION (I.E-I/A1) DEPARTMENT

G.O.Rt.No. 25,

Dated 05-01-2009

Read the following: -

1. G.O.Rt.No.343, H.E (I.E-I) Deptt., dt. 05.05.2006.
2. Proceedings of the CIE Lr.Rc.No.Ser.I-3/4062/2003, dt.16.03.2007.
3. Appeal Petition of Sri K. Mallesham, the then Principal, Government Junior College, Jammimunta, Karimnagar District, dt.02.03.2007.
4. From the CIE, Lr. Rc.No.Ser.I-3/4062/2003, dt.01.06.2007.
5. From the DIE, Lr. Rc.No.Ser.I-3/4062/2003, dt.25.09.2008.

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ORDER :

The Commissioner of Intermediate Education in his proceedings 2nd read above has awarded the punishment of reduction of pay by 5 stages in respect of Sri K. Mallesham, the then Principal, Jammikunta, Karimnagar District presently working at Government Junior College (Boys), Manthani, Karimnagar District under Rule 9 (vii) of Andhra Pradesh Civil Service (CCA) Rules, 1991. Accordingly, his present pay as on 23.06.2006 at Rs.14,950/- was reduced by 5 stages to Rs.12,550/- permanently, with immediate effect based on the report of the Enquiry Officer, who enquired into the charges framed against Sri K. Mallesham, the then Principal, Government Junior College, Jammikunta, Karimnagar District on the complaints received from the staff of the College.

2. Sri K. Mallesham, the then Principal, Jammikunta, Karimnagar District presently working at Government Junior College (Boys), Manthani, Karimnagar District in his representation 3rd read above has requested to exonerate him from the punishment awarded by the Commissioner of Intermediate Education and set a side the orders of the Commissioner of Intermediate Education and do justice to settle all the pending issues and also treating the suspension period as ON DUTY and issue necessary order in the matter.

3. The Director of Intermediate Education in his letter 4th read above has stated that the Charged Officer has paid an amount of Rs.4,03,056/- to Sri S. James, Part Time Junior Lecturer of Government Junior College, Jammikunta, Karimnagar District towards minimum of the time scale in Proceedings No. dt.15.03.2003, which is highly irregular. An amount of Rs.1.00 lakh was recovered from the Part time Junior Lecturer (Vocational) and remitted to Government Account vide Ch. No.353, dt.12.07.2005. The Charged Officer has been instructed to pay the remaining amount of Rs.3,03,056/- paid by him irregularly to Sri S. James, Part Time Junior Lecturer into the concerned Government Head of Account vide Memo dt.26.04.2006. Sri K. Mallesham, Principal was awarded a final punishment of reduction of pay by 5 stages under Rule 9(vii) of APCS (CCA) Rules, 1991 vide Commissioner of Intermediate Education Proceedings dt.16.03.2007. Accordingly, his present pay as on 23.06.2006 at Rs.14,950/- was reduced by 5 stages to Rs.12,550/- permanently. The Director of Intermediate Education has further stated that Sri S. James, Part time Junior Lecturer (Vocational), Government Junior College, Jammikunta, Karimnagar District in enquiry revealed that, he is not eligible for the arrears retrospectively that has been claimed from 11/1993 to 02/2003. He has already paid an amount of Rs.1.00 lakhs through challans, out of the arrears of Rs.4,03,056/-. He has agreed that he would pay the remaining amount of Rs.3,03,056/- in easy installments.

4. After examination, it is observed that the Government, in G.O.Ms.No.166, Education (CE.I) Department, dt.08.06.1994 issued orders, to the effect that the Part Time Lecturers, who were working in regular vacancies or where work justified appointment of regular lecturer for more than 3 years by 30.04.1991 or teaching for 16 periods per week, shall be paid the salary calculated on the minimum scales of Pay of Rs.1810-3230 (RPS 1986) and Rs.3640 – 7580 (RPS 1993) for Lecturers and Rs.1550-1850 (RPS 1986) and Rs.3110 – 6380 (RPS 1993) for

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Junior Lecturers + allowances instead of hourly basis with effect from the commencement of the academic year 1992 – 1993. These orders were extended to the vocational staff, mutatis mutandis, vide G.O.Ms.No.352, Education (I.E-I) Department, dt.01.10.1994. Subsequently, the Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad has issued circulars to all the Principals of Government / Aided Junior Colleges in the State to draw the Minimum Scale of Pay to the Part Time Junior Lecturers / Senior Instructors in Vocational Courses working in Government Junior colleges in the State, who were allowed minimum scale of pay in terms of G.O.Ms.No.352, Education (I.E-I) Department, dt.01.10.1994 without deducting remuneration for Sundays and Public Holidays, as the minimum scale of pay is intended for mensem but not for days. Even orders were issued by Director of Intermediate Education to draw and release arrears of pay to the Minimum Time Scale Junior Lecturers (Vocational) and released funds for this purpose. Therefore, it was a matter of interpretation of the concerned G.Os and Memos by the Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad and felt that the enquiry into the alleged irregularity and awarding the punishment to the Charged Officer would not require in this regard and also keeping apart the aspect that the Charged Officer did not commit any irregularity.

5. In the circumstances, the Government hereby upheld the appeal petition of the charged officer and decided to set aside the impugned orders of the Commissioner of Intermediate Education in the reference 2nd read above wherein the punishment for reduction of his pay by 5 stages under Rule 9(vii) of Andhra Pradesh Civil Service (CCA) Rules, 1991 was issued and exonerate him from charges framed and release salary to the Charged Officer, if not paid, immediately.

6. The Director of Intermediate Education, Andhra Pradesh, Hyderabad shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA,
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Director of Intermediate Education, Andhra Pradesh, Hyderabad.

The Individual through Director of Intermediate Education, Andhra Pradesh, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

The District Treasury Officer, Karimnagar.

Copy to:

P,S to Principal Secretary, Higher Education.

P.A. to Joint Secretary, Higher Education.

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER.